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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,298	03/07/2001	Michael J. Mahoney	705441US1RAF	3807

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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,298

Applicant(s)

MAHONEY ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 09/15/05. Claims 1, 3-7, 10 and 12-17 have been amended. Claims 1-18 are pending.
2. Applicant's amendment filed on 09/15/05 regarding the 35 U.S.C 101 rejection has been persuasive and therefore is hereby withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al (5, 950,169), Apte et al (5,970,464) in view of Aquila et al 2002/0035488).

(A) As per claim 1, Borghesi and Apte disclose the newly added limitations of "having a computer system", "with the computer system", "having the computer system" (See Borghesi Col.5, lines 51-67).

Borghesi and Apte do not explicitly disclose that the method having "by using expert rules stored in a knowledge based system of the computer system", "the computer system uses", "based on the received repair claim data and generates a

claim-related response based on", "and", "having the computer system make" and "a". However, these features are known in the art, as evidenced by Aquila. In particular, Aquila suggests "by using expert rules stored in a knowledge based system of the computer system", "the computer system uses", "based on the received repair claim data and generates a claim-related response based on", "and", "having the computer system make" and "a" (See Aquila, Page 7, Paragraphs 0125-0131).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Aquila within the collective teachings of Borghesi and Apte with the motivation of providing the reporting sub-system summarizes and formats data stored eclaim file or the insurance carrier system based on a number of criteria to generate various reports (See Aquila, Page 2, Paragraph 0026).

(B) Claim 3 has been amended to recite the limitation of "having the computer system access ". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(C) Claim 4 has been amended to recite the limitation of "having the computer system to evaluate a repair claim by", "having the computer system determine", and "having the computer system access ". However, this change does not change the

scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(D) Claim 5 has been amended to recite the limitation of "having the computer system use", "having the computer system determine". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(E) Claim 6 has been amended to recite the limitation of "having the computer system use ", "having the computer system provide". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(F) Claim 7 has been amended to recite the limitation of "having the computer system use ", "having the computer system display", and "the". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(G) As per claim 10, Borghesi and Apte discloses the newly added limitation of "a computer system having" (See Borghesi, Col.5, lines 51-67).

Borghesi and Apte does not explicitly disclose that the method has "stored in a knowledge base of the computer system that the computer system uses", and "by the computer system".

However, these features are known in the art, as evidenced by Aquila. In particular, Aquila suggests that the method has "stored in a knowledge base of the computer system that the computer system uses", and "by the computer system" (See Aquila, Page 7, Paragraphs 0125-0131).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Aquila within the collective teachings of Borghesi and Apte with the motivation of providing the reporting sub-system summarizes and formats data stored eclaim file or the insurance carrier system based on a number of criteria to generate various reports (See Aquila, Page 2, Paragraph 0026).

(H) Claim 12 has been amended to recite the limitations of "from which the computer system retrieves". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(I) Claim 13 has been amended to recite the limitations of "the computer system uses", "the computer system" and "from a database". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(J) As per claim 14, Aquila discloses the newly added limitation of "the computer system uses", "the data regarding parts involved in the repair and the labor operation data to", "to" and "whether" (See Aquila, Page 14, Paragraphs 0262-0263; Page 16, Paragraphs 0283-0284).

The motivation for combining the respective teachings of Borghesi, Apte and Aquila are as discussed above in the rejection of claims 1 and 10, and incorporated herein.

(K) Claim 15 has been amended to recite the limitations of "computer system uses the", "to", "the computer system provides", "a", "the computer's" and "using". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(L) Claim 16 has been amended to recite the limitations of " the computer uses". However, this change does not change the scope and the breadth of the claim as

originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(M) Claim 17 has been amended to recite the word "and". However, this change does not change the scope and the breadth of the claim as originally presented is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(N) Claims 2, 8-9, 11 and 18 have not been amended and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 09/15/05 with respect to claims 1, 3-7, 10 and 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art teaches method and apparatus for measuring and accumulating critical automobile warranty statistical data (6,366,199) and knowledge engineering tool (4,658,370).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F

V.F

November 22, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER